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Rene Reza, Matthew Rincon, April Wheeler, Saul Rodriguez, and Jose A.
Yamasaki

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

WILLIAM OMAR CASTILLO
MIRANDA, an individual and as
Successor in Interest for Decedent,
WILLIAM RENE SALGADO
MIRANDA; JUANA MARIA
MIRANDA, an individual and as
Successor in Interest for Decedent,
WILLIAM RENE SALGADO
MIRANDA; O.C.E. a minor by and
through their Guardian ad Litem,
EUGENIA GUADELUPE ESPINOZA
SALMERON; EUGENIA GUADELUPE
ESPINOZA SALMERON, an individual;
OSMAR ANTONIO CASTILLO
BLANDON, an individual; KARLA
VANESSA BLANDON, an individual,
Plaintiffs,
v.
CITY OF HUNTINGTON PARK; RENE
REZA, an individual; APRIL
WHEELER, an individual; MATTHEW
RINCON, an individual; NICK
NICHOLS, an individual; JOSE A.
YAMASAKI, an individual; SAUL
RODRIGUEZ, an individual; and DOES
1 TO 10, inclusive, DOES 1-10,
inclusive,
Defendants

Case No. 2:24-cv-04898 CBM (AGR)
(Consolidated with Lead Case No. 2:23-
cv-09412 CBM (AGR))

Assigned to:
District Judge: Consuelo B. Marshall
Magistrate Judge: Alicia G. Rosenberg

DEFENDANTS' RESPONSES AND
OBJECTIONS TO PLAINTIFFS'
SEPARATE STATEMENT OF
UNCONTROVERTED FACTS
SUBMITTED IN OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT, OR IN THE
ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT

Date: April 1, 2025
Time: 10:00 a.m.
Courtroom: 8D

[Reply Memorandum filed concurrently
herewith]

1 }
2 AND CONSOLIDATED ACTION. }

3
4 TO THE HONORABLE COURT, PLAINTIFFS, AND THEIR
5 ATTORNEYS OF RECORD:

6 PLEASE TAKE NOTICE that Defendants CITY OF HUNTINGTON
7 PARK, NICK NICHOLS, RENE REZA, MATTHEW RINCON, APRIL
8 WHEELER, SAUL RODRIGUEZ, AND JOSE A. YAMASAKI (“Collectively,
9 Defendants”) hereby submit the following Response and Objections to Plaintiffs’
10 Response to Defendants Separate Statement of Uncontroverted and Plaintiffs
11 Separate Statement In Support of Opposition to Defendants’ Motion for Summary
12 Judgment or, in the alternative, Partial Summary Judgment. Importantly, on
13 March 17 (the eve before Defendants’ Reply brief is due for filing), Plaintiffs
14 submitted a Supplemental and Amended Separate Statement seeking to introduce
15 documents not produced in discovery, i.e., Decedent’s birth certificate through the
16 declaration of their counsel. Defendants object to the admissibility and
17 introduction of any and all evidence Plaintiffs improperly intend on utilizing that
18 was not produced during the fact discovery period and request this Court to
19 exclude such evidence on that basis.

20 **A. PLAINTIFFS’ FOURTEENTH AMENDMENT CLAIMS FOR**
21 **VIOLATION OF SUBSTANTIVE DUE PROCESS MUST BE**
DISMISSED BECAUSE PLAINTIFFS LACK STANDING

22 **B. PLAINTIFFS EUGENIA GUADALUPE ESPINOZA SALMERON**
23 **AND KARLA VANESSA BLANDON LACK STANDING TO**
24 **ASSERT STATE LAW CLAIMS BECAUSE THEY FAILED TO**
TIMELY FILE A GOVERNMENT CLAIM

25 **C. PLAINTIFFS FAILED TO ALLEGE STATE LAW CLAIMS**
26 **AGAINST DEFENDANTS**

27 **1. Plaintiffs Failed To Timely File A Government Claim For**
28

Negligent Infliction Of Emotional Distress.

2. Negligent Infliction Of Emotional Distress Is Not A Separate Tort Or Cause Of Action Under California Law.

3. It Is Undisputed Juana Miranda and Karla Blandon Were Not Present At The Scene And Thus Cannot Satisfy the Elements of Negligent Infliction of Emotional Distress

DEFENDANTS’ UNDISPUTED FACTS AND EVIDENCE IN SUPPORT	PLAINTIFFS’ RESPONSE	
<p>1. Decedent was born in Nicaragua to William Castillo and Marcia Mendez.</p> <p>Garcia Declaration, Exhibit “A” Deposition of William Castillo, 16:2-3, 10-14; 19:21-24;</p> <p>Garcia Declaration, Exhibit “B”, Deposition of Juana Miranda, 9:21-23</p>	<p><u>Undisputed.</u></p>	
<p>2. Decedent’s biological mother, Marcia Mendez, left Decedent when he</p>	<p><u>Undisputed.</u></p>	

1 2 3 4 5 6 7 8 9 10	<p>was forty (40) days old and was never heard from again.</p> <p>Garcia Declaration, Exhibit “A”, Deposition of William Castillo, 19:21-24.</p> <p>Garcia Declaration, Exhibit “B”, Deposition of Juana Miranda, 8:6-15;</p>		
11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	<p>3. By the age of two (2), Decedent was adopted by his grandmother, Juana Miranda Jimenez, and his grandfather, Inocente Salgado Peralta, in Nicaragua.</p> <p>Garcia Declaration, Exhibit “A”, Deposition of William Castillo, 17:4-14; 18:14-16.</p>	<p>Objection: lacks foundation, assumes facts as phrased, vague and ambiguous, misstates facts. Without waiving and subject to said objections, Plaintiffs respond as follows: <u>Undisputed in part and disputed in part.</u></p> <p><u>Undisputed</u> to the extent that Decedent William Rene</p>	<p>Objection.</p> <p>Defendants object to Plaintiffs’ response on the grounds that it constitutes improper legal argument, contains improper legal conclusions and is generally an improper opinion- FRE 701. Defendants further object on the grounds that their response lacks foundation and authentication-FRE</p>

1		Salgado Miranda's	901, and consists of
2		living arrangements	inadmissible hearsay-
3		with Juana Maria	FRE 801.
4		Miranda Jimenez and	
5		Inocente Salgado	
6		Peralta was described	
7		as an 'adoption.'	
8			
9		<u>Disputed</u> in all other	
10		respects. In fact, the	
11		death certificate lists	
12		the "informant's	
13		name," as	
14		"WILLIAM	
15		CASTILLO,	
16		FATHER."	
17		(Emphasis Added).	
18		(Exhibit 1 to	
19		Defendants' Request	
20		for Judicial Notice).	
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22		The actual details of	
23		this arrangement	
24		paint a different	
25		picture than what	
26		Defendants seek to	
27		conclude. William	
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	<p>Omar Castillo</p> <p>Miranda testified that there was no legal adoption (no papers, no notary), and it was a situation where William Omar Castillo Miranda stated his mother (and William Rene Salgado Miranda’s grandmother), Juana Maria Miranda Jimenez, wanted to help him out and assist in raising William Rene Salgado Miranda so that he could work and provide for the family, and she would give William his stepfather’s last name “Chente.”</p> <p>(Castillo Depo, Ex. 2, 16:12-14, 17:4-16, 22-25, 18:1-6; Juana</p>	
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	<p>Depo, Ex. 3, 8:8-15).</p> <p>Juana Maria Miranda and William Omar Castillo Miranda both testified that William Omar Castillo Miranda was the biological father of William Rene Salgado Miranda and Juana Maria Miranda was the grandmother. (Juana Depo, Ex. 3, 8:6-8, 9:21-23; Castillo Depo, Ex. 2, 15:10-18). William Omar Castillo Miranda is Juana Maria Miranda Jimenez's son. (Juana Depo, Ex. 3, 9:24-25, 10:1). William Omar Castillo Miranda was on the original birth certificate and was present when William</p>	
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	<p>Rene Salgado Miranda was being born. (Castillo Depo, Ex. 2, 16:8-12; Eugenia Depo, Ex. 4, 12:2-4). Juana wanted to ‘adopt’ William Rene Salgado Miranda to make sure that he had a birth certificate. (Juana Depo, Ex. 3, 16:12-17, 23-24).</p> <p>Further, William Omar Castillo Miranda held out William Rene Salgado Miranda as his son. (Castillo Depo, Ex. 2, 15:16- 18; Juana Depo, Ex. 3, 9:21-23; Deposition of Karla Vanessa Blandon (“Karla Depo”), Ex. 5, 10:15-19).</p>	
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	<p>When Decedent, William Salgado was born in 1991 in Nicaragua, William Omar Castillo Miranda was listed as the biological father on the original birth certificate. Castillo Miranda Dec., Ex. 13, para. 4.</p> <p>As a matter of convenience, seven (7) years later in 1998, William Salgado's grandparents were listed on a birth certificate because William's natural mother had left when he was forty days old. William Omar Castillo Miranda continued to remain</p>	
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	<p>involved in William’s life, and he continued to financially support him and the family, but he needed his parents’ help. Castillo Miranda Dec., Ex. 13, para. 5.</p> <p>Decedent William Salgado continued to live with his father William Omar Castillo Miranda under the same roof in Nicaragua for about 10 years. Castillo Miranda Dec., Ex. 13, para. 5.</p> <p>William Omar Castillo Miranda has always held out Decedent, William Salgado as his son, and Decedent, William Salgado</p>	
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	<p>always recognized William Omar Castillo Miranda as his father. Whenever William Omar Castillo Miranda talked to anyone about Decedent, William Salgado – relatives, friends, or strangers – he always told them that William Salgado is his son. Castillo Miranda Dec., Ex. 13, para. 7.</p> <p>Thus, taking all facts in light most favorable to Plaintiffs, William Omar Castillo Miranda was the father of William Rene Salgado Miranda and has standing to assert all</p>	
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	claims in Plaintiffs' complaint.	
4. William Castillo, Decedent's biological father, consented to the adoption. Garcia Declaration, Exhibit "A", Deposition of William Castillo, 17:23-25; 18:1-2; 43:23-25; 44:1-2	<p>Objection: lacks foundation, assumes facts as phrased, misstates facts. Without waiving and subject to said objections, Plaintiffs respond as follows:</p> <p><u>Undisputed in part and disputed in part.</u></p> <p><u>Undisputed</u> to the extent that Decedent William Rene Salgado Miranda's living arrangements with Juana Maria Miranda Jimenez and Inocente Salgado Peralta was described as an 'adoption.'</p> <p><u>Disputed</u> in all other</p>	<p>Objection. Defendants object to Plaintiffs' response on the grounds that it constitutes improper legal argument, contains improper legal conclusions and is generally an improper opinion-FRE 701. Defendants further object on the grounds that their response lacks foundation and authentication-FRE 901, and consists of inadmissible hearsay-FRE 801.</p>

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	<p>respects. In fact, the death certificate lists the “informant’s name,” as “WILLIAM CASTILLO, FATHER.” (Emphasis Added). (Exhibit 1 to Defendants’ Request for Judicial Notice).</p> <p>The actual details of this arrangement paint a different picture than what Defendants seek to conclude. William Omar Castillo Miranda testified that there was no legal adoption (no papers, no notary), and it was a situation where William Omar Castillo Miranda stated his mother</p>	
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	<p>(and William Rene Salgado Miranda’s grandmother), Juana Maria Miranda Jimenez, wanted to help him out and assist in raising William Rene Salgado Miranda so that he could work and provide for the family, and she would give William his stepfather’s last name “Chente.” (Castillo Depo, Ex. 2, 16:12-14, 17:4-16, 22-25, 18:1-6; Juana Depo, Ex. 3, 8:8-15). Juana Maria Miranda and William Omar Castillo Miranda both testified that William Omar Castillo Miranda was the biological father of William Rene Salgado Miranda and</p>	
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	<p>Juana Maria Miranda was the grandmother. (Juana Depo, Ex. 3, 8:6-8, 9:21-23; Castillo Depo, Ex. 2, 15:10-18). William Omar Castillo Miranda is Juana Maria Miranda Jimenez's son. (Juana Depo, Ex. 3, 9:24-25, 10:1). William Omar Castillo Miranda was on the original birth certificate and was present when William Rene Salgado Miranda was being born. (Castillo Depo, Ex. 2, 16:8-12; Eugenia Depo, Ex. 4, 12:2-4). Juana wanted to 'adopt' William Rene Salgado Miranda to make sure that he had a birth certificate.</p>	
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	<p>(Juana Depo, Ex. 3, 16:12-17, 23-24).</p> <p>Further, William Omar Castillo Miranda held out William Rene Salgado Miranda as his son. (Castillo Depo, Ex. 2, 15:16-18; Juana Depo, Ex. 3, 9:21-23; Karla Depo, Ex. 5, 10:15-19).</p> <p>When Decedent, William Salgado was born in 1991 in Nicaragua, William Omar Castillo Miranda was listed as the biological father on the original birth certificate. Castillo Miranda Dec., Ex. 13, para. 4.</p> <p>As a matter of</p>	
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	<p>convenience, seven (7) years later in 1998, William Salgado's grandparents were listed on a birth certificate because William's natural mother had left when he was forty days old. William Omar Castillo Miranda continued to remain involved in William's life, and he continued to financially support him and the family, but he needed his parents' help. Castillo Miranda Dec., Ex. 13, para. 5.</p> <p>Decedent William Salgado continued to live with his father William Omar Castillo Miranda</p>	
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	<p>under the same roof in Nicaragua for about 10 years. Castillo Miranda Dec., Ex. 13, para. 5.</p> <p>William Omar Castillo Miranda has always held out Decedent, William Salgado as his son, and Decedent, William Salgado always recognized William Omar Castillo Miranda as his father. Whenever William Omar Castillo Miranda talked to anyone about Decedent, William Salgado – relatives, friends, or strangers – he always told them that William Salgado is his son. Castillo</p>	
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	<p>Miranda Dec., Ex. 13, para. 7.</p> <p>Thus, taking all facts in light most favorable to Plaintiffs, William Omar Castillo Miranda was the father of William Rene Salgado Miranda and has standing to assert all claims in Plaintiffs' complaint.</p>	
<p>5. Juana Miranda Jimenez and Inocente Salgado raised Decedent. Garcia Declaration, Exhibit "A", Deposition of William Castillo, 16:10-14</p>	<p>Objection: lacks foundation, assumes facts as phrased, misstates facts. Without waiving and subject to said objections, Plaintiffs respond as follows:</p> <p><u>Undisputed in part and disputed in part</u></p>	<p>Objection. Defendants object to Plaintiffs' response on the grounds that it constitutes improper legal argument, contains improper legal conclusions and is generally an improper opinion-FRE 701. Defendants</p>

1		further object on the
2		grounds that their
3		response lacks
4		foundation and
5		authentication-FRE
6		901, and consists of
7		inadmissible hearsay-
8		FRE 801.
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Undisputed to the extent that Decedent William Rene Salgado Miranda’s living arrangements with Juana Maria Miranda Jimenez and Inocente Salgado Peralta were described as an ‘adoption.’

Disputed in all other respects. In fact, the death certificate lists the “informant’s name,” as “WILLIAM CASTILLO, FATHER.” (Emphasis Added). (Exhibit 1 to Defendants’ Request for Judicial Notice).

The actual details of

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	<p>this arrangement paint a different picture than what Defendants seek to conclude. William Omar Castillo Miranda testified that there was no legal adoption (no papers, no notary), and it was a situation where William Rene Salgado Miranda stated his mother (and William Rene Salgado Miranda’s grandmother), Juana Maria Miranda Jimenez, wanted to help him out and raise him so that he could work and provide for the family, and she would give William his stepfather’s last name “Chente”.</p>	
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	<p>(Castillo Depo, Ex. 2, 16:12-14, 17:4-16, 22-25, 18:1-6; Juana Depo, Ex. 3, 8:8-15).</p> <p>Juana Maria Miranda and William Omar Castillo Miranda both testified that William Omar Castillo Miranda was the biological father of William Rene Salgado Miranda and Juana Maria Miranda was the grandmother. (Juana Depo, Ex. 3, 8:6-8, 9:21-23; Castillo Depo, Ex. 2, 15:10-18). William Omar Castillo Miranda is Juana Maria Miranda Jimenez's son. (Juana Depo, Ex. 3, 9:24-25, 10:1). William Omar Castillo Miranda was on the original birth</p>	
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	<p>certificate and was present when William Rene Salgado Miranda was being born. (Castillo Depo, Ex. 2, 16:8-12; Eugenia Depo, Ex. 4, 12:2-4). Juana wanted to ‘adopt’ William Rene Salgado Miranda to make sure that he had a birth certificate. (Juana Depo, Ex. 3, 16:12-17, 23-24). Further, William Omar Castillo Miranda held out William Rene Salgado Miranda as his son. (Castillo Depo, Ex. 2, 15:16-18; Juana Depo, Ex. 3, 9:21-23; Karla Depo, Ex. 5, 10:15-19).</p>	
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	<p>When Decedent, William Salgado was born in 1991 in Nicaragua, William Omar Castillo Miranda was listed as the biological father on the original birth certificate. Castillo Miranda Dec., Ex. 13, para. 4.</p> <p>As a matter of convenience, seven (7) years later in 1998, William Salgado's grandparents were listed on a birth certificate because William's natural mother had left when he was forty days old. William Omar Castillo Miranda continued to remain involved in William's</p>	
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	<p>life, and he continued to financially support him and the family, but he needed his parents' help.</p> <p>Castillo Miranda Dec., Ex. 13, para. 5.</p> <p>Decedent William Salgado continued to live with his father William Omar Castillo Miranda under the same roof in Nicaragua for about 10 years.</p> <p>Castillo Miranda Dec., Ex. 13, para. 5.</p> <p>William Omar Castillo Miranda has always held out Decedent, William Salgado as his son, and Decedent, William Salgado always recognized</p>	
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	<p>William Omar Castillo Miranda as his father. Whenever William Omar Castillo Miranda talked to anyone about Decedent, William Salgado – relatives, friends, or strangers – he always told them that William Salgado is his son. Castillo Miranda Dec., Ex. 13, para. 7.</p> <p>Thus, taking all facts in light most favorable to Plaintiffs, William Omar Castillo Miranda was the father of William Rene Salgado Miranda and has standing to assert all claims in Plaintiffs’</p>	
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	complaint.	
6. In 2002, William Castillo left Nicaragua and arrived in the United States. Garcia Declaration, Exhibit “A”, Deposition of William Castillo, 21:23-25; 22:1-5	<p>Objection: lacks foundation, assumes facts as phrased, vague, ambiguous, and misstates facts. Without waiving and subject to said objections, Plaintiffs respond as follows:</p> <p><u>Undisputed in part and disputed in part.</u></p> <p><u>Undisputed</u> solely to the extent that William Omar Castillo Miranda left Nicaragua to live in the United States.</p> <p><u>Disputed</u> to the extent this fact is proffered to show that William Omar Castillo Miranda abandoned or</p>	<p>Objection.</p> <p>Defendants object to Plaintiffs’ response on the grounds that it constitutes improper legal argument, contains improper legal conclusions and is generally an improper opinion-FRE 701. Defendants further object on the grounds that their response lacks foundation and authentication-FRE 901, and consists of inadmissible hearsay-FRE 801.</p>

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	<p>otherwise was disavowing William Rene Salgado Miranda. Juana Maria Miranda and William Omar Castillo Miranda both testified that William Omar Castillo Miranda was the biological father of William Rene Salgado Miranda and Juana Maria Miranda was the grandmother. (Juana Depo, Ex. 3, 8:6-8, 9:21-23; Castillo Depo, Ex. 2, 15:10-18). William Omar Castillo Miranda was on the original birth certificate and was present when William Rene Salgado Miranda was being born. (Castillo Depo, Ex. 2, 16:8-12; Eugenia Depo, Ex. 4, 12:2-4). The only reason Juana wanted to</p>	
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	<p>‘adopt’ William Rene Salgado Miranda to make sure that he had a birth certificate. (Juana Depo, Ex. 3, 16:12-17, 23-24).</p> <p>Further, William Omar Castillo Miranda held out William Rene Salgado Miranda as his son. (Castillo Depo, Ex. 2, 15:16-18; Juana Depo, Ex. 3, 9:21-23; Karla Depo, Ex. 5, 10:15-19).</p> <p>When Decedent, William Salgado was born in 1991 in Nicaragua, William Omar Castillo Miranda was listed as the biological father on the original birth</p>	
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	<p>certificate. Castillo Miranda Dec., Ex. 13, para. 4.</p> <p>As a matter of convenience, seven (7) years later in 1998, William Salgado's grandparents were listed on a birth certificate because William's natural mother had left when he was forty days old. William Omar Castillo Miranda continued to remain involved in William's life, and he continued to financially support him and the family, but he needed his parents' help. Castillo Miranda Dec., Ex. 13, para. 5.</p>	
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	<p>Decedent William Salgado continued to live with his father William Omar Castillo Miranda under the same roof in Nicaragua for about 10 years. Castillo Miranda Dec., Ex. 13, para. 5.</p> <p>William Omar Castillo Miranda has always held out Decedent, William Salgado as his son, and Decedent, William Salgado always recognized William Omar Castillo Miranda as his father. Whenever William Omar Castillo Miranda talked to anyone about Decedent, William Salgado –</p>	
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1		relatives, friends, or	
2		strangers – he always	
3		told them that	
4		William Salgado is	
5		his son. Castillo	
6		Miranda Dec., Ex.	
7		13, para. 7.	
8			
9		Thus, taking all facts	
10		in light most	
11		favorable to	
12		Plaintiffs, William	
13		Omar Castillo	
14		Miranda was the	
15		father of William	
16		Rene Salgado	
17		Miranda and has	
18		standing to assert all	
19		claims in Plaintiffs’	
20		complaint.	
21			
22	7. In 2007, William	<u>Undisputed.</u>	
23	Castillo returned to		
24	Nicaragua to marry		
25	Eugenia Espinoza		
26	Salmeron, the		
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1	Decedent's		
2	stepmother.		
3	Garcia Declaration, Exhibit		
4	"A", Deposition of William		
5	Castillo, 22:6-7; 18:17-24		
6			
7	8. Juana Miranda	<u>Undisputed.</u>	
8	ultimately arrived in		
9	the United States.		
10	Garcia Declaration, Exhibit		
11	"B", Deposition of Juana		
12	Miranda, 10:18-22; 11:2-4,		
13	24-25; 12:2-4		
14			
15	9. Juana Miranda sent	<u>Undisputed.</u>	
16	for Decedent, and		
17	Decedent arrived in		
18	the United States.		
19	Garcia Declaration, Exhibit		
20	"B", Deposition of Juana		
21	Miranda, 11:2-4, 24-25.		
22			
23			
24	10. Following his arrival	Objection vague,	Objection.
25	in the United States,	ambiguous, assumes	Defendants object to
26	Decedent lived with	facts as phrased ,and	Plaintiffs' response
27		misstates facts.	on the grounds that it
28			

1	his grandmother in	Without waiving and	constitutes improper
2	Los Angeles, until he	subject to said	legal argument,
3	reached the age of	objections, Plaintiffs	contains improper
4	eighteen.	respond as follows:	legal conclusions and
5	Garcia Declaration, Exhibit	<u>Undisputed in part</u>	is generally an
6	“B”, Deposition of Juana	<u>and disputed in</u>	improper opinion-
7	Miranda, 12:9-14; 14:9-15	<u>part.</u>	FRE 701. Defendants
8			further object on the
9		<u>Undisputed</u> to the	grounds that their
10		extent William Rene	response lacks
11		Salgado lived with	foundation and
12		Juana Maria Miranda	authentication-FRE
13		Jimenez at some	901, and consists of
14		point in his life.	inadmissible hearsay-
15			FRE 801.
16		<u>Disputed</u> to the	
17		extent this fact is	
18		proffered to suggest	
19		that Juana Maria	
20		Miranda somehow	
21		has no standing to	
22		assert a claim under	
23		the 14th Amendment.	
24		The facts, taken in	
25		favor of the	
26		nonmoving party,	
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	<p>show that William Rene Salgado Miranda and Juana Maria Miranda maintained a close familial relationship; Juana testified in her sworn deposition that William Rene Salgado would call her ‘daily,’ and she bought him a cellphone, presumably to encourage this communication. (Juana Depo, Ex. 3, 28:8-14). Additionally, <u>Disputed</u> to the extent that somehow this fact is proffered to suggest that somehow William Omar Castillo Miranda, Osmar Antonio Castillo</p>	
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	<p>Blandon, and O.C.E. do not have standing to assert Negligent Infliction of Emotional Distress. As set forth <i>infra</i> in this Response, Plaintiffs’ Undisputed Material Facts, and supporting evidence, William Omar Castillo Miranda is the biological father of Decedent, and Plaintiffs, Osmar Antonio Castillo Blandon and O.C.E. are the biological brothers of Decedent.</p> <p>On and prior to October 30, 2022, William Rene Salgado Miranda resided with Plaintiffs, William</p>	
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	<p>Omar Castillo Miranda, Eugenia Espinoza, Osmar Antonio Castillo Blandon, and O.C.E. in the apartment located at 6315 Malabar Avenue, City of Huntington Park, and had done so since 2021 (and perhaps earlier). (Castillo Depo, Ex. 2, 34:3-10, 37:24-25, 38:1-3; O.C.E. Depo, Ex. 7, 16:19-25; Osmar Depo, Ex. 6, 30:16-25; Karla Depo, Ex. 5, 13:7-13, 14:2-4, 13-17; Declaration of Osmar Antonio Castillo Blandon, Ex. 14, para. 5.)</p> <p>Thus, taking all facts in light most</p>	
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1		favorable to	
2		Plaintiffs, William	
3		Omar Castillo	
4		Miranda, Osmar	
5		Antonio Castillo	
6		Blandon, and O.C.E.	
7		have all established	
8		standing to assert all	
9		claims in Plaintiffs’	
10		complaint.	
11			
12	11. Decedent had a	Objection vague,	Objection.
13	longtime girlfriend,	ambiguous, assumes	Defendants object to
14	Elsa Acosta, and he	facts as phrased ,and	Plaintiffs’ response
15	moved out of his	misstates facts.	on the grounds that it
16	grandmother’s home	Without waiving and	constitutes improper
17	to live with her.	subject to said	legal argument,
18		objections, Plaintiffs	contains improper
19	Garcia Declaration, Exhibit	respond as follows:	legal conclusions and
20	“B”, Deposition of Juana	<u>Undisputed in part</u>	is generally an
21	Miranda, 13:15-23; 14:9-15	<u>and disputed in</u>	improper opinion-
22		<u>part.</u>	FRE 701. Defendants
23			further object on the
24		<u>Undisputed</u> to the	grounds that their
25		extent William Rene	response lacks
26		Salgado had a	foundation and
27		longtime girlfriend	authentication-FRE
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	(Elsa Acosta) that he lived with at some point in his life.	901, and consists of inadmissible hearsay-FRE 801.
	<u>Disputed</u> to the extent this fact is proffered to suggest that Juana Maria Miranda somehow has no standing to assert a claim under the 14 th Amendment. The facts, taken in favor of the nonmoving party, show that William Rene Salgado Miranda and Juana Maria Miranda maintained a close familial relationship; Juana testified in her sworn deposition that William Rene Salgado would call her ‘daily,’ and she bought him a	

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	<p>cellphone, presumably to encourage this communication. (Juana Depo, Ex. 3, 28:8-14)</p> <p>Additionally, <u>Disputed</u> to the extent that somehow this fact is proffered to suggest that somehow William Omar Castillo Miranda, Osmar Antonio Castillo Blandon, and O.C.E. do not have standing to assert Negligent Infliction of Emotional Distress. As set forth <i>infra</i> in this Response, Plaintiffs’ Undisputed Material Facts, and supporting evidence, William</p>	
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	<p>Omar Castillo Miranda is the biological father of Decedent, and Plaintiffs, Osmar Antonio Castillo Blandon and O.C.E. are the biological brothers of Decedent.</p> <p>On and prior to October 30, 2022, William Rene Salgado Miranda resided with Plaintiffs, William Omar Castillo Miranda, Eugenia Espinoza, Osmar Antonio Castillo Blandon, and O.C.E. in the apartment located at 6315 Malabar Avenue, City of Huntington Park, and had done so since 2021 (and</p>	
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	<p>perhaps earlier). (Castillo Depo, Ex. 2, 34:3-10, 37:24-25, 38:1-3; O.C.E. Depo, Ex. 7, 16:19-25; Osmar Depo, Ex. 6, 30:16-25; Karla Depo, Ex. 5, 13:7-13, 14:2-4, 13-17; Declaration of Osmar Antonio Castillo Blandon, Ex. 14, para. 5.)</p> <p>Thus, taking all facts in light most favorable to Plaintiffs, William Omar Castillo Miranda, Osmar Antonio Castillo Blandon, and O.C.E. have all established standing to assert all claims in Plaintiffs' complaint.</p>	
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12. Over their years together, Ms. Acosta and Decedent had four children together. Garcia Declaration, Exhibit “A”, Deposition of William Castillo, 27: 18-25; 28:1-2; 28:19-14; 29:5-8	<u>Undisputed.</u>	
13. However, Decedent and Ms. Acosta were never married. Garcia Declaration, Exhibit “A”, Deposition of William Castillo, 28: 5-8. Garcia Declaration, Exhibit “B”, Deposition of Juana Miranda, 11:2-4, 24-25; 13:6-14; 14:2-8	<u>Undisputed.</u>	
14. In October of 2022, Decedent was living with his biological father, William	Objection: vague and ambiguous as phrased and as to time, lacks foundation, assumes	Objection. Defendants object to Plaintiffs’ response on the grounds that it

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	<p>Castillo, his stepmother, Eugenia Espinoza Salmeron, and his two siblings, Oscar Castillo and Osmar Castillo, in Huntington Park.</p> <p>Garcia Declaration, Exhibit “A”, Deposition of William Castillo, 29: 9-14; 34:3-6; 45:3-9.</p> <p>Garcia Declaration, Ex. “C” Deposition of Oscar Castillo, 14:18-22</p>	<p>facts, and misstates facts and evidence as phrased. Without waiving and subject to said objections, Plaintiffs respond as follows: <u>Undisputed in part and Disputed in part.</u></p> <p><u>Undisputed</u> to the extent that William Rene Salgado Miranda lived with Plaintiffs, William Omar Castillo Miranda, Eugenia Jimenez, Osmar Antonio Castillo Blandon, and Oscar Castillo in October of 2022.</p> <p><u>Disputed</u> in all other respects, including to the extent that this fact is proffered to</p>	<p>constitutes improper legal argument, contains improper legal conclusions and is generally an improper opinion-FRE 701. Defendants further object on the grounds that their response lacks foundation and authentication-FRE 901, and consists of inadmissible hearsay-FRE 801.</p>
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	<p>suggest that William Rene Salgado Miranda lived with Plaintiffs <u>only</u> in October of 2022, in an effort to somehow minimize the depth of the relationship between Plaintiffs and Decedent. Plaintiffs all testified that William Rene Salgado Miranda lived with them throughout 2021 and 2022, and while William Rene Salgado would sometimes live elsewhere, he would return. (Castillo Depo, Ex. 2, 34:3-10, 37:24-25, 38:1-3; O.C.E. Depo, Ex. 7, 16:19-25; Osmar Depo, Ex. 6, 30:16-25; Karla Depo, Ex.</p>	
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	<p>5, 13:7-13, 14:2-4, 13-17; Declaration of Osmar Antonio Castillo Blandon, Ex. 14, para. 5.).</p> <p>Taken in a light most favorable to the nonmoving party, William Rene Salgado Miranda thought of them as family and knew he always had a place to go if he wanted to be there.</p> <p>Additionally, <u>Disputed</u> to the extent that somehow this fact is proffered to suggest that somehow William Omar Castillo Miranda, Osmar Antonio Castillo Blandon, and O.C.E.</p>	
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	<p>do not have standing to assert Negligent Infliction of Emotional Distress. As set forth <i>infra</i> in this Response, Plaintiffs’ Undisputed Material Facts, and supporting evidence, William Omar Castillo Miranda is the biological father of Decedent, and Plaintiffs, Osmar Antonio Castillo Blandon and O.C.E. are the biological brothers of Decedent.</p> <p>Thus, taking all facts in light most favorable to Plaintiffs, William Omar Castillo Miranda, Osmar Antonio Castillo</p>	
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	Blandon, and O.C.E. have all established standing to assert all claims in Plaintiffs' complaint.	
<p>15. On October 30, 2022, at approximately 5:00 p.m., Huntington Park Police Officers were dispatched to 6315 Malabar Street in Huntington Park regarding a suicidal male armed with a gun.</p> <p>Garcia Declaration, Ex. "E"</p> <p>Deposition of Officer Jose Yamasaki, 17:7-24</p>	<p>Objection: misstates facts, lacks foundation, assumes facts, vague, ambiguous, and calls for an expert opinion. Without waiving and subject to said objections, Plaintiffs respond as follows:</p> <p><u>Undisputed in part and disputed in part.</u></p> <p><u>Undisputed</u> to the extent that Huntington Park Police Officers were dispatched to 6315 Malabar Street in Huntington Park.</p>	<p>Objection.</p> <p>Defendants object to Plaintiffs' response on the grounds that it constitutes improper legal argument, contains improper legal conclusions and is generally an improper opinion-FRE 701. Defendants further object on the grounds that their response lacks foundation and authentication-FRE 901, and consists of inadmissible hearsay-FRE 801.</p>

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	<p><u>Disputed</u> that</p> <p>William Rene Salgado Miranda was a “suicidal male armed with a gun.”</p> <p>William Rene Salgado displayed no signs of being distressed, suicidal, and in fact all of his family members at scene that day stated he was ‘normal,’ and happy; indeed, everything was ‘fine.’ (Castillo Depo, Ex. 2, 61:24-25, 62:3-6; 104:18-21; Eugenia Depo, Ex. 4, 48:7-9, 12, 14-15, 19-20; Osmar Depo, Ex. 6, 29:8-18; O.C.E. Depo, Ex. 7, 57:18-25, 58:1-7, 61:6-11).</p> <p>City of Huntington</p>	
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	<p>Park Defendant Police Officers, Rene A. Reza, Jose Yamasaki, Nick Nichols, Matthew Rincon, and Lt. Saul Rodriguez, all testified in their depositions that Decedent, William Salgado did not have a gun on him at any time. (Reza Depo, Ex. 8, 8:19-20; Yamasaki Depo, Ex. 9, 41:3-4; Nichols Depo, Ex. 10, 52:6-8; Rincon Depo, Ex. 11, 20:10-14; Rodriguez Depo, Ex. 12, 53:3-5, 15-17).</p>	
<p>16. HPPD Officers encountered Decedent in the courtyard of the apartment complex.</p>	<p><u>Undisputed.</u></p>	

1 2 3 4 5 6 7 8 9	Garcia Declaration, Ex. "C" Deposition of Oscar Castillo, 36:11-21; 65:12-15 Garcia Declaration, Ex. "E" Deposition of Officer Jose Yamasaki, 25:7-20; 31:14- 22, 40:11-13		
10 11 12 13 14 15 16 17 18 19 20	17. Ultimately, the encounter resulted in the death of Decedent. Garcia Declaration, Exhibit "A", Deposition of William Castillo, 79:11-13. Garcia Declaration, Exhibit "B", Deposition of Juana Miranda, 33:25, 34:1-8	<u>Undisputed.</u>	
21 22 23 24 25 26 27	18. Decedent was thirty (30) years old at the time of his death. Garcia Declaration, Exhibit "A". Deposition of William Castillo, 15:23-25;16:1	<u>Undisputed.</u>	

1 2 3 4 5	Garcia Declaration, Exhibit “B”, Deposition of Juana Miranda, 9:18-20		
6 7 8 9 10 11 12 13 14 15	19. Decedent’s grandmother, Juana Miranda, was not present at the scene when the incident occurred. Garcia Declaration, Exhibit “B”, Deposition of Juana Miranda, 33:13-24	<u>Undisputed.</u>	
16 17 18 19 20 21 22 23 24 25 26	20. Decedent’s sister, Karla Blandon, was not present at the scene when the incident occurred. Garcia Declaration, Exhibit “D”, Deposition of Karla Blandon, 21:7-25; 22:1-9, 21-25	<u>Undisputed.</u>	

<p>21. Decedent is survived by his four children: D.S., a minor, J.S., a minor, C.S., a minor and M.S., a minor.</p> <p>Garcia Declaration, Exhibit “A”, Deposition of William Castillo, 27: 18-25; 28:1-2; 28:19-14; 29:5-8.</p> <p>Garcia Declaration, Exhibit “B”, Deposition of Juana Miranda, 14:24-25; 15: 1-12</p>	<p>Objection: vague, ambiguous, misstates facts and calls for a legal conclusion from a lay witness</p> <p>Without waiving and subject to said objections, Plaintiffs respond as follows:</p> <p><u>Undisputed in part and disputed in part.</u></p> <p><u>Undisputed</u> solely to the extent that William Rene Salgado Miranda left behind four minor children when police officers from City of Huntington Park and its Police Department shot and killed him.</p> <p><u>Disputed</u> in all other respects, including but not limited to the</p>	<p>Objection.</p> <p>Defendants object to Plaintiffs’ response on the grounds that it constitutes improper legal argument, contains improper legal conclusions and is generally an improper opinion-FRE 701. Defendants further object on the grounds that their response lacks foundation and authentication-FRE 901, and consists of inadmissible hearsay-FRE 801.</p>
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	<p>extent this fact is proffered to allege that Plaintiffs have no causes of action as to Defendants in this action. In fact, the death certificate lists the “informant’s name,” as “WILLIAM CASTILLO, FATHER.” (Emphasis Added). (Exhibit 1 to Defendants’ Request for Judicial Notice).</p> <p>To the contrary, Plaintiffs have alleged and meet the <i>prima facie</i> threshold to maintain causes of action for Negligent Infliction of Emotional Distress and violation of their familial relationships under the</p>	
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14th Amendment. As set forth *infra* in this Response, Plaintiffs' Undisputed Material Facts, and supporting evidence, William Omar Castillo Miranda is the biological father of Decedent, and Plaintiffs, Osmar Antonio Castillo Blandon and O.C.E. are the biological brothers of Decedent.

When Decedent, William Salgado was born in 1991 in Nicaragua, William Omar Castillo Miranda was listed as the biological father on the original birth certificate. Castillo Miranda Dec., Ex. 13, para. 4.

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	<p>As a matter of convenience, seven (7) years later in 1998, William Salgado's grandparents were listed on a birth certificate because William's natural mother had left when he was forty days old. William Omar Castillo Miranda continued to remain involved in William's life, and he continued to financially support him and the family, but he needed his parents' help. Castillo Miranda Dec., Ex. 13, para. 5.</p> <p>Decedent William Salgado continued to live with his father William Omar</p>	
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	<p>Castillo Miranda under the same roof in Nicaragua for about 10 years. Castillo Miranda Dec., Ex. 13, para. 5.</p> <p>William Omar Castillo Miranda has always held out Decedent, William Salgado as his son, and Decedent, William Salgado always recognized William Omar Castillo Miranda as his father. Whenever William Omar Castillo Miranda talked to anyone about Decedent, William Salgado – relatives, friends, or strangers – he always told them that William Salgado is</p>	
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	<p>his son. Castillo Miranda Dec., Ex. 13, para. 7.</p> <p>Thus, taking all facts in light most favorable to Plaintiffs, William Omar Castillo Miranda was the father of William Rene Salgado Miranda and has standing to assert all claims in Plaintiffs’ complaint.</p> <p>William Omar Castillo Miranda and Osmar Antonio Castillo Bandon are, respectively, the biological father and brother of William Rene Salgado Miranda, saw William Rene</p>	
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	<p>Salgado Miranda be shot and killed the police, and suffered emotional distress as a result. (citations). Further, Oscar Castillo was also Decedent, William Rene Salgado Miranda's brother, was directly inside his apartment, heard the shots and knew his brother had been shot, and suffered emotional distress as a result. (citations).</p> <p>Defendants have made no attempt to argue in their moving papers the merits of the claims, only as to whether any party has standing to assert such a right.</p>	
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1	22. William Castillo	Objection: lacks	Objection.
2	provided the County	foundation, assumes	Defendants object to
3	of Los Angeles	facts as phrased,	Plaintiffs' response
4	Recorder's Office	misstates facts.	on the grounds that it
5	with the names of	Without waiving and	constitutes improper
6	Juana Miranda and	subject to said	legal argument,
7	Inocente Salgado	objections, Plaintiffs	contains improper
8	Peralta as the parents	respond as follows:	legal conclusions and
9	of Decedent for	<u>Undisputed in part</u>	is generally an
10	Decedent's Death	<u>and disputed in</u>	improper opinion-
11	Certificate.	<u>part.</u>	FRE 701. Defendants
12	Garcia Declaration, Exhibit	<u>Undisputed</u> to the	further object on the
13	"A", Deposition of William	extent that the death	grounds that their
14	Castillo, 44:3-6, 22.	certificate lists	response lacks
15	RJN, Ex. 2	Inocente Salgado	foundation and
16		Peralta and Juana	authentication-FRE
17		Maria Miranda as the	901, and consists of
18		partes of Decedent	inadmissible hearsay-
19		William Rene	FRE 801.
20		Salgado Miranda on	
21		the death certificate.	
22		<u>Disputed</u> because in	
23		fact, the death	
24		certificate lists the	
25		"informant's name,"	
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	<p>as “WILLIAM CASTILLO, FATHER.” (Emphasis Added). (Exhibit 1 to Defendants’ Request for Judicial Notice).</p> <p>The actual details of this arrangement paint a different picture than what Defendants seek to conclude. William Omar Castillo Miranda testified that there was no legal adoption (no papers, no notary), and it was a situation where William Rene Salgado Miranda stated his mother (and William Rene Salgado Miranda’s grandmother), Juana Maria Miranda</p>	
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	<p>Jimenez, wanted to help him out and raise him so that he could work and provide for the family, and she would give William his stepfather's last name "Chente".</p> <p>(Castillo Depo, Ex. 1, 16:12-14, 17:4-16, 22-25, 18:1-6; Juana Depo, Ex. 2, 8:8-15).</p> <p>Juana Maria Miranda and William Omar Castillo Miranda both testified that William Omar Castillo Miranda was the biological father of William Rene Salgado Miranda and Juana Maria Miranda was the grandmother.</p> <p>(Juana Depo, Ex. 3, 8:6-8, 9:21-23; Castillo Depo, Ex. 2,</p>	
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	<p>15:10-18). William Omar Castillo Miranda is Juana Maria Miranda Jimenez's son. (Juana Depo, Ex. 3, 9:24-25, 10:1). William Omar Castillo Miranda was on the original birth certificate and was present when William Rene Salgado Miranda was being born. (Castillo Depo, Ex. 2, 16:8-12; Eugenia Depo, Ex. 4, 12:2-4). Juana wanted to 'adopt' William Rene Salgado Miranda to make sure that he had a birth certificate. (Juana Depo, Ex. 3, 16:12-17, 23-24).</p> <p>When Decedent, William Salgado was</p>	
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	<p>born in 1991 in Nicaragua, William Omar Castillo Miranda was listed as the biological father on the original birth certificate. Castillo Miranda Dec., Ex. 13, para. 4.</p> <p>As a matter of convenience, seven (7) years later in 1998, William Salgado's grandparents were listed on a birth certificate because William's natural mother had left when he was forty days old. William Omar Castillo Miranda continued to remain involved in William's life, and he continued to financially support</p>	
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	<p>him and the family, but he needed his parents' help. Castillo Miranda Dec., Ex. 13, para. 5.</p> <p>Decedent William Salgado continued to live with his father William Omar Castillo Miranda under the same roof in Nicaragua for about 10 years. Castillo Miranda Dec., Ex. 13, para. 5.</p> <p>William Omar Castillo Miranda has always held out Decedent, William Salgado as his son, and Decedent, William Salgado always recognized William Omar Castillo Miranda as</p>	
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1 his father. Whenever
2 William Omar
3 Castillo Miranda
4 talked to anyone
5 about Decedent,
6 William Salgado –
7 relatives, friends, or
8 strangers – he always
9 told them that
10 William Salgado is
11 his son. Castillo
12 Miranda Dec., Ex.
13 13, para. 7.

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15 Thus, taking all facts
16 in light most
17 favorable to
18 Plaintiffs, William
19 Omar Castillo
20 Miranda was the
21 father of William
22 Rene Salgado
23 Miranda and has
24 standing to assert all
25 claims in Plaintiffs’
26 complaint.
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1		Thus when these	
2		facts are taken	
3		together, it is clear	
4		that if William Omar	
5		Castillo Miranda	
6		stated he was father,	
7		was acknowledged by	
8		all the immediate	
9		family as the	
10		biological father, and	
11		the law even	
12		recognizes that a	
13		person can have more	
14		than two parents, that	
15		William Omar	
16		Castillo Miranda is	
17		the father of William	
18		Rene Salgado	
19		Miranda and has	
20		standing to assert	
21		claims for NIED and	
22		violation of familial	
23		relations under the	
24		14 th Amendment.	
25			
26	23. Following the death	<u>Undisputed.</u>	
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1 2 3 4 5 6 7 8 9 10 11 12 13 14	of Decedent, William Castillo, Juana Miranda, Oscar Castillo, and Osmar Castillo filed a government claim with the City of Huntington Park ("City") which was received on May 1, 2023 ("May 1, 2023 Government Claim"). RJN, Ex. 2		
15 16 17 18 19 20 21 22 23 24	24. Eugenia Espinoza Salmeron and Karla Blandon were not identified as claimants on the May 1, 2023 Government Claim submitted to the City. RJN, Ex. 2	<u>Undisputed.</u>	
25 26 27	25. Eugenia Espinoza Salmeron and Karla Blandon never	<u>Undisputed.</u>	

1	submitted		
2	government claims.		
3	Garcia Declaration, ¶ 9		
4			
5			
6	26. The May 1, 2023	Objection: lacks	Objection.
7	Government Claim	foundation, vague,	Defendants object to
8	did not identify	ambiguous, misstates	Plaintiffs' response
9	Negligent Infliction	facts and law, and	on the grounds that it
10	of Emotional Distress	calls for a legal	constitutes improper
11	as an element of the	conclusion from a lay	legal argument,
12	claim.	witness. Without	contains improper
13	RJN, Ex. 2	waiving and subject	legal conclusions and
14		to said objections,	is generally an
15		Plaintiffs respond as	improper opinion-
16		follows: <u>Disputed</u> .	FRE 701. Defendants
17			further object on the
18		On the first page of	grounds that their
19		Plaintiffs'	response lacks
20		Government Claim,	foundation and
21		underlined in the first	authentication-FRE
22		paragraph, Plaintiffs	901, and consists of
23		assert general	inadmissible hearsay-
24		negligence against	FRE 801.
25		the Defendants.	
26		Exhibit No. 1, Page	
27		<i>1</i> , ¶ 1. As stated in	

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	<p>Plaintiffs’ Government Claim, the Plaintiffs are asserting claims for damages including pain and suffering and loss of comfort and society. Exhibit No. 1, Government Claim, Page 2, Heading 4., ¶ 2. The Plaintiffs also asserted in the Government Claim that they witnessed the events and shooting unfold. Exhibit No. 1. The Plaintiffs also asserted in their government claim that they were making State and Federal claims for general damages, including for pain and suffering, and</p>	
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	<p>loss of comfort and society. Exhibit No. 1, Government Claim, Page 2, Heading 4., ¶ 3, 2.</p> <p>Under State Theories of Liability, the Plaintiffs in their Government Claim submitted to the Defendants, list negligence. Exhibit No. 1, Government Claim, Page 3, “State Theories of Liability”, C.</p> <p>The purpose of a Government Claim under the Government Claims Act is “to provide the public entity sufficient information to enable it to adequately</p>	
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	<p>investigate the claims and to settle them, if appropriate, without the expense of litigation.”</p> <p><i>Hernandez v. City of Stockton</i> (2023) 90 Cal. App. 5th 1222, 1231; citing <i>Stockett v. Association of Cal. Water Agencies Joint Power Ins. Authority</i> (2004) 34 Cal.4th 441, 446; see <i>DiCampli-Mintz v. County of Santa Clara</i> (2012) 55 Cal.4th 983, 991. It is not subject to the same requirements as pleadings in court such as the Federal Rules of Civil Procedure, but instead must follow the mandatory requirements of the Government Claims</p>	
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	<p>Act.</p> <p>Under the</p> <p>Government Claims</p> <p>Act, the Government</p> <p>Claim must include</p> <p>the date, place, and</p> <p>other circumstances</p> <p>of the occurrence or</p> <p>transaction which</p> <p>gave rise to the claim</p> <p>asserted, a general</p> <p>description of the</p> <p>injury, damage or</p> <p>loss incurred so far as</p> <p>it may be known at</p> <p>the time of</p> <p>presentation of the</p> <p>claim, and the name</p> <p>or names of the</p> <p>public employee or</p> <p>employees causing</p> <p>the injury, damage, or</p> <p>loss, if known.</p> <p><i>Hernandez v. City of</i></p> <p><i>Stockton</i> (2023) 90</p> <p>Cal. App. 5th 1222,</p>	
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	<p>1231; <i>Government Claims Act, Section 910.</i></p> <p>Here, the Government Claim included the date, October 30, 2022, the exact address, and the fact that it was police officer employed by Huntington Park Police Department, a part of City of Huntington Park, who shot and killed Decedent William Rene Salgado Miranda. It also claimed that the claimants witnessed the events, were surviving family members of the Decedent, and were asserting claims for loss of comfort and</p>	
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	<p>society.</p> <p>The Government Claim asserted the exact claims for negligence, along with all of the supporting evidence required to assert negligent infliction of emotional distress, that Defendants’ call for in their MSJ.</p> <p>Therefore, Defendants’ MSJ as to the state claims should be denied, as Plaintiffs’ Government Claim provided Defendants sufficient information to investigate the claim. (Plaintiffs’ Ex. 1, Government Claim, and Defendants’ Exhibit 2 to Defendants’</p>	
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		Request for Judicial Notice).	
27.	Subsequently, on or about July 29, 2024, Plaintiffs William Castillo, Juana Miranda, Eugenia Salmeron, Oscar Castillo, Osmar Castillo, and Karla Blandon filed their First Amended Complaint (“FAC”) alleging two causes of action: 1) Violation of Substantive Due Process §1983, and 2) Negligent Infliction of Emotional Distress. Garcia Declaration, Ex. F, Plaintiffs’ First Amended Complaint	Objection: lacks foundation, vague, ambiguous, misstates facts and law, and calls for a legal conclusion from a lay witness. Without waiving and subject to said objections, Plaintiffs respond as follows <u>Undisputed in part and disputed in part.</u> <u>Undisputed</u> that Plaintiffs filed a First Amended Complaint on or about July 29, 2024. <u>Disputed</u> to the extent that this fact is proffered to suggest that the Complaint	Objection. Defendants object to Plaintiffs’ response on the grounds that it constitutes improper legal argument, contains improper legal conclusions and is generally an improper opinion-FRE 701. Defendants further object on the grounds that their response lacks foundation and authentication-FRE 901, and consists of inadmissible hearsay-FRE 801.

	somehow does not meet the standards for alleging, or that the facts do not support, these two claims for relief – See all facts cited <i>infra</i> .	
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Defendants Responses to Plaintiffs’ Separate Statement

PLAINTIFFS’ UNDISPUTED MATERIAL FACT	EVIDENCE IN SUPPORT	DEFENDANTS’ OBJECTIONS AND RESPONSES
1. In November of 1991, William Rene Salgado Miranda was born in a hospital in Nicaragua to William Omar Castillo Miranda and Marcia Mendez.	Deposition of William Omar Castillo Miranda (“Castillo Depo”), Ex. 2, 15:23-25, 16:1-3, 19:21-24; Deposition of Juana Maria Miranda (“Juana Depo”), Ex. 2, 9:18-19	Objection: 1) Lacks Foundation and Lack of Authentication FRE 901; 2) Inadmissible Hearsay- FRE 801, 802; 3) Lack of Relevance-FRE 401-403; 4) Improper Opinion- FRE 701-702

		Without waiver of the foregoing objections, Defendants respond as follows: Undisputed Plaintiff William Castillo is Decedent's biological father, and that Plaintiff testified that Marcia Mendez was Decedent's biological mother.
2. William Omar Castillo Miranda was present in the hospital when William Rene Salgado Miranda was born and was listed on the original birth certificate.	Castillo Depo, Ex. 2, 16:4-12; Deposition of Eugenia Espinoza ("Espinoza Depo"), Ex. 4, 12:2-4; Declaration of William Omar Castillo Miranda, Ex. 13, para. 3.	Objection: 1) Lacks Foundation and Lack of Authentication FRE 901; 2) Inadmissible Hearsay- FRE 801, 802; 3) Lack of Relevance-FRE 401-403; Without waiver of the foregoing objections, Defendants respond as

		follows: Undisputed that Plaintiff William Castillo is Decedent's biological father.
<p>3. When William Rene Salgado Miranda was 40 days old, his biological mother Marcia Mendez left him and never returned, and William Omar Castillo Miranda's mom and stepdad helped him raise William Rene Salgado Miranda.</p>	<p>Castillo Depo, Ex. 2, 16:12-14;</p>	<p>Undisputed.</p>
<p>4. William Rene Salgado Miranda was the biological son of William Omar Castillo Miranda.</p>	<p>Castillo Depo, Ex. 2, 15:10-15; Declaration of William Omar Castillo Miranda, Ex. 13, para. 3.</p>	<p>Undisputed.</p>

1	5. William Omar	Castillo Depo, Ex. 2,	Undisputed.
2	Castillo Miranda	15:16-18; Juana Depo,	
3	is the biological	Ex. 3, 9:21-23;	
4	father of William	Declaration of William	
5	Rene Salgado	Omar Castillo	
6	Miranda	Miranda, Ex. 13, para.	
7		3.	
8	6. The death	Exhibit 1 to	Undisputed.
9	certificate lists	Defendants' Request	
10	the "informant's	for Judicial Notice.	
11	name," as		
12	"WILLIAM		
13	CASTILLO,		
14	FATHER."		
15	(Emphasis		
16	Added).		
17			
18	7. William Omar	Castillo Depo, Ex. 1,	Objection:
19	Castillo Miranda	15:16-18; Juana Depo,	1) Lacks
20	held out William	Ex. 2, 9:21-23;	Foundation and
21	Rene Salgado	Deposition of Karla	Lack of
22	Miranda as his	Vanessa Blandon	Authentication
23	son.	("Karla Depo"), Ex. 4,	FRE 901;
24		10:15-19).	2) Inadmissible
25			Hearsay- FRE
26			801, 802;
27			3) Lack of
28			

		<p>Relevance-FRE 401-403;</p> <p>Without waiver of the foregoing objections, Defendants respond as follows:</p> <p>Undisputed that Plaintiff William Castillo is Decedent's biological father.</p>
<p>8. When Decedent, William Salgado was born in 1991 in Nicaragua, William Omar Castillo Miranda was listed as the biological father on the original birth certificate.</p>	<p>Castillo Miranda Dec., Ex. 13, para. 4.</p>	<p>Objection:</p> <p>1) Lacks Foundation and Lack of Authentication FRE 901;</p> <p>2) Inadmissible Hearsay- FRE 801, 802;</p> <p>3) Lack of Relevance-FRE 401-403;</p> <p>4) Improper Opinion- FRE 701-702</p> <p>Without waiver of the foregoing objections,</p>

1			Defendants respond as
2			follows:
3			Undisputed that
4			Plaintiff William
5			Castillo is Decedent's
6			biological father.
7	9. As a matter of	Castillo Miranda Dec.,	Objection:
8	convenience,	Ex. 13, para. 5.	1) Lacks
9	seven (7) years		Foundation and
10	later in 1998,		Lack of
11	William		Authentication
12	Salgado's		FRE 901;
13	grandparents		2) Inadmissible
14	were listed on a		Hearsay- FRE
15	birth certificate		801, 802;
16	because		3) Lack of
17	William's natural		Relevance-FRE
18	mother had left		401-403;
19	when he was		4) Improper
20	forty days old.		Opinion- FRE
21	William Omar		701-702
22	Castillo Miranda		Without waiver of the
23	continued to		foregoing objections,
24	remain involved		Defendants respond as
25	in William's life,		follows:
26	and he continued		Undisputed that this is
27	to financially		Plaintiff's testimony.

1	support him and		
2	the family, but he		
3	needed his		
4	parents' help.		
5			
6	10.Decedent	Castillo Miranda Dec.,	Objection:
7	William Salgado	Ex. 13, para. 5.	1) Lacks
8	continued to live		Foundation and
9	with his father		Lack of
10	William Omar		Authentication
11	Castillo Miranda		FRE 901;
12	under the same		2) Inadmissible
13	roof in Nicaragua		Hearsay- FRE
14	for about 10		801, 802;
15	years.		3) Lack of
16			Relevance-FRE
17			401-403;
18			4) Improper
19			Opinion- FRE
20			701-702
21			Without waiver of the
22			foregoing objections,
23			Defendants respond as
24			follows:
25			Undisputed that this is
26			Plaintiff's testimony.
27	11. William Omar	Castillo Miranda Dec.,	Objection:
28			

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26	Castillo Miranda has always held out Decedent, William Salgado as his son, and Decedent, William Salgado always recognized William Omar Castillo Miranda as his father. Whenever William Omar Castillo Miranda talked to anyone about Decedent, William Salgado – relatives, friends, or strangers – he always told them that William Salgado is his son.	Ex. 13, para. 7.	1) Lacks Foundation and Lack of Authentication FRE 901; 2) Inadmissible Hearsay- FRE 801, 802; 3) Lack of Relevance-FRE 401-403; 4) Improper Opinion- FRE 701-702 Without waiver of the foregoing objections, Defendants respond as follows: Undisputed that Plaintiff William Castillo is Decedent’s biological father.
27 28	12.Juana Maria	Juana Depo, Ex. 3,	Undisputed.

1	Mendoza is the	9:24-25, 10:1; Castillo	
2	mother of	Depo, Ex. 2, 16:24-25,	
3	William Omar	17:4-5	
4	Castillo Miranda.		
5			
6	13.Juana Maria	Juana Depo, Ex. 3, 8:6-	Undisputed.
7	Mendoza is the	8; Castillo Depo, Ex. 2,	
8	grandmother of	17:4-5; Espinoza Depo,	
9	William Rene	Ex. 4, 12:11-16	
10	Salgado Miranda.		
11	14.Juana Maria	Castillo Depo, Ex. 2,	Undisputed.
12	Mendoza and her	16-12-14.	
13	husband,		
14	Inocente Salgado		
15	Peralta offered to		
16	help William		
17	Omar Castillo		
18	Miranda, and		
19	raise William		
20	Rene Salgado		
21	Miranda.		
22			
23	15.While it was	Castillo Depo, Ex. 2,	Objection:
24	called an	17:6-16, 22-25, 17:1-2	1) Lacks
25	“adoption,” it		Foundation and
26	was not a legal		Lack of
27	adoption, or with		Authentication
28			

**DEFENDANTS’ OBJECTIONS AND RESPONSES TO PLAINTIFFS’
SEPARATE STATEMENT OF UNCONTROVERTED FACTS IN
SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	a notary or with signed papers; William Omar Castillo Miranda's mother offered to 'help him' so that he could help the family financially.		FRE 901; 2) Inadmissible Hearsay- FRE 801, 802; 3) Lack of Relevance-FRE 401-403; 4) Improper Opinion- FRE 701-702 Without waiver of the foregoing objections, Defendants respond as follows: Undisputed that Plaintiff Juana Miranda is Plaintiff William Castillo's mother and offered to adopt Decedent. Also undisputed that this is Plaintiff's testimony.
23 24 25 26 27 28	16.Juana Maria Miranda offered to adopt William Rene Salgado Miranda so that	Juana Depo, Ex. 3, 16:12-17, 23-24	Objection: 1) Lacks Foundation and Lack of Authentication

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	he would not be left without documents i.e. a birth certificate.		FRE 901; 2) Inadmissible Hearsay- FRE 801, 802; 3) Lack of Relevance-FRE 401-403; 4) Improper Opinion- FRE 701-702 Without waiver of the foregoing objections, Defendants respond as follows: Undisputed that Plaintiff Juana Miranda offered to adopt Decedent. Also undisputed that this is Plaintiff's testimony.
21 22 23 24 25 26 27 28	17. William Omar Castillo Miranda's family knew and acknowledged that William Rene Salgado	Castillo Depo, Ex. 2, 15:16-18; Juana Depo, Ex. 3, 9:21-23; Deposition of Karla Vanessa Blandon ("Karla Depo"), Ex. 5, 10:15-19.	Objection: 1) Lacks Foundation and Lack of Authentication FRE 901; 2) Inadmissible

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	Miranda was the son of William Omar Castillo Miranda.		Hearsay- FRE 801, 802; 3) Lack of Relevance-FRE 401-403; 4) Improper Opinion- FRE 701-702 Without waiver of the foregoing objections, Defendants respond as follows: Undisputed that William Castillo is Decedent's biological father.
16 17 18 19 20 21 22 23 24 25 26 27 28	18. Osmar Antonio Castillo Blandon was the brother of William Rene Salgado Miranda, Plaintiff, O.C.E., and Plaintiff, Karla Vanessa Blandon.	Osmar Depo, Ex. 6, 11:8-9, Juana Depo, Ex. 3, 18:14-23; Declaration of Osmar Antonio Castillo Blandon, Ex. 14, para. 2 and 3	Undisputed.

19. O.C.E. was the brother of William Rene Salgado Miranda, Plaintiff, Osmar Antonio Castillo Blandon, and Plaintiff, Karla Vanessa Blandon.	O.C.E. Depo, Ex. 7, 67:3-5; Karla Depo, Ex. 5, 10:9-11, 15-19	Undisputed.
20. Decedent, William Rene Salgado Miranda, Plaintiff, Osmar Antonio Castillo Blandon and Plaintiff, O.C.E. are the brothers of Plaintiff, Karla Vanessa Blandon.	Karla Depo, Ex. 5, 10:9-11, 15-19; Juana Depo, Ex. 3, 18:14-23	Undisputed.
21. Karla Vanessa Blandon had no knowledge that William Rene Salgado Miranda was ever adopted,	Karla Depo, Ex. 5, 24:5-10	Objection: 1) Lacks Foundation and Lack of Authentication FRE 901;

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	and was never told as such by anyone.		2) Improper Hearsay- FRE 801, 802; 3) Lack of Relevance-FRE 401-403; 4) Improper Opinion- FRE 701-702 Without waiver of the foregoing objections, Defendants respond as follows: Undisputed that this is Plaintiff's testimony.
16 17 18 19 20 21 22 23 24 25 26 27 28	22. On and prior to October 30, 2022, William Rene Salgado Miranda resided with Plaintiffs, William Omar Castillo Miranda, Eugenia Espinoza, Osmar Antonio Castillo Bandon, and	Castillo Depo, Ex. 1, 34:3-10, 37:24-25, 38:1-3; Oscar Depo, Ex. 6, 16:19-25; Osmar Depo, Ex. 5, 30:16-25; Karla Depo, Ex. 4, 13:7-13, 14:2-4, 13-17; Declaration of Osmar Antonio Castillo Bandon, Ex. 14, para. 5.	Objection: 1) Lacks Foundation and Lack of Authentication FRE 901; 2) Improper Hearsay- FRE 801, 802; 3) Lack of Relevance-FRE 401-403;

1 2 3 4 5 6 7 8 9 10 11 12 13 14	O.C.E. in the apartment located at 6315 Malabar Avenue, City of Huntington Park, and had done so since 2021 (and perhaps earlier).		4) Improper Opinion- FRE 701-702 Without waiver of the foregoing objections, Defendants respond as follows: Undisputed that Decedent lived with Eugenia Espinoza Salmeron, Osmar Castillo, O.C.E, and William Castillo at the time of his death on October 30, 2022.
15 16 17 18 19 20 21 22 23 24 25 26 27 28	23. Plaintiffs, Eugenia Espinoza and O.C.E. were inside their apartment and heard, and Plaintiffs, William Omar Castillo Miranda and Plaintiff, Osmar Antonio Castillo Blandon, were standing	Castillo Depo, Ex. 2, 12:19-25, 13:2-9, 79:11-13, 81:23-25, 82:1-4; Declaration of William Omar Castillo Miranda, Ex. 13, para. 9; Osmar Depo, Ex. 6, 14:21-25, 15:1-13, 47:10-16, 55:10-12, 23-25, 56:1-9, 14-19; Declaration of Osmar Antonio Castillo Blandon, Ex. 14, para.	Objection: 1) Lacks Foundation and Lack of Authentication FRE 901; 2) Inadmissible Hearsay- FRE 801, 802; 3) Lack of Relevance-FRE 401-403; 4) Improper

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	outside on a balcony above the Incident and watched, William Rene Salgado Miranda be shot and killed.	6; O.C.E. Depo, Ex. 7, 40:19-22, 45:23-25, 46:1, 64:12-17, 65:2-19, 66:24-25, 67:1-21; Espinoza Depo, Ex. 4, 42:1-10, 63:11-14.	Opinion- FRE 701-702 Without waiver of the foregoing objections, Defendants respond as follows: Undisputed that this is Plaintiff's testimony, but this is irrelevant material and outside of the scope of Defendants' Motion as to the issue of NIED. Therefore, this should be excluded.
16 17 18 19 20 21 22 23 24 25 26 27 28	24. Plaintiff, Osmar Antonio Castillo Blandon, and William Rene Salgado Miranda were brothers and were close.	Osmar Depo, Ex. 6, 31:4-6; Declaration of Osmar Antonio Castillo Blandon, Ex. 14, para. 10 and 11.	Objection: 1) Lacks Foundation and Lack of Authentication FRE 901; 2) Inadmissible Hearsay- FRE 801, 802; 3) Lack of Relevance-FRE 401-403;

		<p>4) Improper Opinion- FRE 701-702</p> <p>Without waiver of the foregoing objections, Defendants respond as follows: Undisputed that this is Plaintiff's testimony, but the closeness of Plaintiff's relationship to Decedent is irrelevant and outside the scope of Defendants' Motion. Therefore, this evidence should be excluded.</p>
<p>25. Plaintiff, O.C.E. and William Rene Salgado Miranda were brothers and were very close.</p>	<p>O.C.E. Depo, Ex. 7, 66:24-25, 67:1-21</p>	<p>Objection:</p> <p>1) Lacks Foundation a FRE 901;</p> <p>2) Inadmissible Hearsay- FRE 801, 802;</p> <p>3) Lack of Relevance-FRE 401-403;</p>

		<p>4) Improper Opinion- FRE 701-702</p> <p>Without waiver of the foregoing objections, Defendants respond as follows: Undisputed that this is Plaintiff's testimony, but the closeness of Plaintiff's relationship to Decedent is irrelevant and outside the scope of Defendants' Motion. Therefore, this evidence should be excluded.</p>
<p>26.Plaintiff, O.C.E. was inside his apartment with his mother, Plaintiff Eugenia Espinoza located at 6315 Malabar Avenue, City of Huntington Park when the shots</p>	<p>O.C.E. Depo, Ex. 7, 40:19-25; 41:1-14; Castillo Depo, Ex. 2, 12:19-25, 13:2-9, 79:11-13, 81:23-25, 82:1-4; Declaration of William Omar Castillo Miranda, Ex. 13, para. 9; Osmar Depo, Ex. 6, 14:21-25, 15:1-13,</p>	<p>Objection:</p> <p>1) Lacks Foundation and Lack of Authentication FRE 901;</p> <p>2) Inadmissible Hearsay- FRE 801, 802;</p> <p>3) Lack of</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	were fired., his father and his brother Osmar was outside and standing on the balcony.	47:10-16, 55:10-12, 23-25, 56:1-9, 14-19; Declaration of Osmar Antonio Castillo Blandon, Ex. 14, para. 6	Relevance-FRE 401-403; 4) Improper Opinion- FRE 701-702 Without waiver of the foregoing objections, Defendants respond as follows: Undisputed that this is Plaintiff's testimony, but this is irrelevant material and outside of the scope of Defendants' Motion as to the issue of NIED. Therefore, this should be excluded.
19 20 21 22 23 24 25 26 27 28	27.Plaintiff, O.C.E. heard the shots fired and knew immediately it was his brother, William Rene Salgado Miranda who had been shot because	Oscar Depo, Ex. 7, 42:3-10, 65:2-11, 16- 19, 66:24-25, 67:1-21	Objection: 1) Lacks Foundation-FRE 901; 2) Inadmissible Hearsay- FRE 801, 802; 3) Lack of Relevance-FRE

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	William was the only one in the area below with the police officers, and went to the window of his apartment after the shots were fired to look out.		401-403; 4) Improper Opinion- FRE 701-702; 5) Lack of Personal Knowledge- FRE 601-606 Without waiver of the foregoing objections, Defendants respond as follows: Undisputed that this is Plaintiff's testimony, but this is irrelevant material and outside of the scope of Defendants' Motion as to the issue of NIED. Therefore, this should be excluded.
21 22 23 24 25 26 27 28	28. Juana Maria Miranda talked to her grandson, William Rene Salgado Miranda on a daily basis after he turned	Juana Depo, Ex. 3, 28:8-14	Objection: 1) Lacks Foundation FRE 901; 2) Improper Hearsay- FRE 801, 802;

1 2 3 4 5 6 7 8 9	18, and bought him a cellphone.		3) Lack of Relevance-FRE 401-403; Without waiver of the foregoing objections, Defendants respond as follows: Undisputed that this is Plaintiff's testimony.
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	29. William Omar Castillo Miranda was scared to death, and incredibly stressed out, at the sight of seeing the officers shooting his son. He still struggles with the idea of seeing his child get shot. He felt completely helpless because they are the authority.	Declaration of William Omar Castillo Miranda, Ex. 13, para. 8	Objection: 1) Lacks Foundation and Lack of Authentication FRE 901; 2) Improper Hearsay- FRE 801, 802; 3) Lack of Relevance-FRE 401-403; 4) Improper Opinion- FRE 701-702 Without waiver of the foregoing objections, Defendants respond as

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<p>Everything came at him at once. He wanted to run to his son and knew that he could not help him in any way. An anxiety that he cannot explain, the feeling of anguish. He felt so much pain that he does not know if it was pain or anger. He could not believe and he still does not understand.</p>		<p>follows:</p> <p>Undisputed that this is Plaintiff's testimony, but this is irrelevant material and outside of the scope of Defendants' Motion as to the issue of NIED. Therefore, this should be excluded.</p>
23 24 25 26 27 28	<p>30. The night of the shooting, William Omar Castillo Miranda could not sleep. He</p>	<p>Declaration of William Omar Castillo Miranda, Ex. 13, para. 9</p>	<p>Objection:</p> <p>1) Lacks Foundation and Lack of Authentication</p>

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<p>stayed up thinking about how awful his son had been treated. This stress and anxiety that he was feeling watching his son get shot, and later that evening, and even up to today, is far beyond any kind of stress or anxiety he has ever experienced in his life. He was trembling, thinking about how he watched my son die before his eyes. At some point in time after his son was shot, the police asked him if he knew who</p>		<p>FRE 901; 2) Inadmissible Hearsay- FRE 801, 802; 3) Lack of Relevance-FRE 401-403; 4) Improper Opinion- FRE 701-702 Without waiver of the foregoing objections, Defendants respond as follows: Undisputed that this is Plaintiff's testimony, but this is irrelevant material and outside of the scope of Defendants' Motion as to the issue of NIED. Therefore, this should be excluded.</p>
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1	William Salgado		
2	was. He replied		
3	that he was his		
4	son.		
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6	31. William Omar	Declaration of William	Objection:
7	Castillo Miranda	Omar Castillo	1) Lacks
8	misses his son so	Miranda, Ex. 13, para.	Foundation-FRE
9	much. His son	10	901;
10	William was such		2) Inadmissible
11	a happy person.		Hearsay- FRE
12	His son William		801, 802;
13	loved to dance,		3) Lack of
14	he always		Relevance-FRE
15	danced. He		401-403;
16	remembers		4) Improper
17	walking with		Opinion- FRE
18	William at a		701-702
19	construction site		Without waiver of the
20	and William was		foregoing objections,
21	playing loud		Defendants respond as
22	music and was		follows:
23	just dancing and		Undisputed that this is
24	walking. He has		Plaintiff's testimony,
25	all these beautiful		but this is irrelevant
26	memories and he		material and outside of
27	knows he will		the scope of

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<p>never experience those moments again, but they have to give up that hope of having William here because we are just left with memories. Now they rarely listen to music that William enjoyed, because it only reminds them of what they lost, and makes them anxious, stressed out, and he relives that awful day. William would come home and ask me if I needed anything.</p>		<p>Defendants’ Motion as to the issue of NIED. Therefore, this should be excluded.</p>
<p>32. Now that his son William is gone,</p>	<p>Declaration of William Omar Castillo</p>	<p>Objection: 1) Lacks</p>

1	there is an	Miranda, Ex. 13, para.	Foundation and
2	emptiness that	11	Lack of
3	can't be filled.		Authentication
4	They try to		FRE 901;
5	pretend like		2) Inadmissible
6	they're okay, but		Hearsay- FRE
7	it is so hard on all		801, 802;
8	of them to keep it		3) Lack of
9	together. One of		Relevance-FRE
10	the reasons		401-403;
11	William Omar		4) Improper
12	Salgado Miranda		Opinion- FRE
13	thinks he is so		701-702
14	anxious, upset		Without waiver of the
15	and stressed out		foregoing objections,
16	about William		Defendants respond as
17	being gone is that		follows:
18	he saw William's		Undisputed that this is
19	life taken right in		Plaintiff's testimony,
20	front of him and		but this is irrelevant
21	he will never be		material and outside of
22	able to forget it,		the scope of
23	and it will bother		Defendants' Motion as
24	him forever.		to the issue of NIED.
25			Therefore, this should
26			be excluded.
27	33. William Omar	Declaration of William	Objection:

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Castillo Miranda will be at the store and he will check to see where William is, and then he again remembers he is empty and William is not here. His world has come to ruin. These feelings will never go away and they will never stop thinking of William. His son William has been gone for over two years, and he still has so much pain.	Omar Castillo Miranda, Ex. 13, para. 12	<p>1) Lacks Foundation and Lack of Authentication FRE 901;</p> <p>2) Inadmissible Hearsay- FRE 801, 802;</p> <p>3) Lack of Relevance-FRE 401-403;</p> <p>4) Improper Opinion- FRE 701-702</p> <p>Without waiver of the foregoing objections, Defendants respond as follows: Undisputed that this is Plaintiff's testimony, but this is irrelevant material and outside of the scope of Defendants' Motion as to the issue of NIED. Therefore, this should be excluded.</p>
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<p>34. When Osmar Antonio Castillo Blandon's brother, William Salgado, was in the courtyard of the apartment with the police, he was so worried for him. He saw his brother, William Salgado, shot dead by the police and it was so hard to watch his own brother killed in front of him and not be able to do anything.</p>	<p>Declaration of Osmar Antonio Castillo Blandon, Ex. 14, para. 6</p>	<p>Objection:</p> <ol style="list-style-type: none"> 1) Lacks Foundation and Lack of Authentication FRE 901; 2) Inadmissible Hearsay- FRE 801, 802; 3) Lack of Relevance-FRE 401-403; 4) Improper Opinion- FRE 701-702 <p>Without waiver of the foregoing objections, Defendants respond as follows:</p> <p>Undisputed that this is Plaintiff's testimony, but this is irrelevant material and outside of the scope of Defendants' Motion as to the issue of NIED. Therefore, this should</p>
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		be excluded.
<p>35. Osmar Antonio Castillo Blandon was scared and panicked, and he didn't know what to do. He was also worried for his stepmom and his little brother. Watching his dad be so worried and anxious was very hard.</p>	<p>Declaration of Osmar Antonio Castillo Blandon, Ex. 14, para. 7</p>	<p>Objection:</p> <ol style="list-style-type: none"> 1) Lacks Foundation and Lack of Authentication FRE 901; 2) Inadmissible Hearsay- FRE 801, 802; 3) Lack of Relevance-FRE 401-403; 4) Improper Opinion- FRE 701-702 <p>Without waiver of the foregoing objections, Defendants respond as follows:</p> <p>Undisputed that this is Plaintiff's testimony, but this is irrelevant material and outside of the scope of Defendants' Motion as to the issue of NIED.</p>

		Therefore, this should be excluded.
36. While the officers were all talking in English, Osmar Antonio Castillo Blandon couldn't understand why they shot his brother William Salgado and then he saw his brother, William Salgado, fall to the ground. He saw his brother, William Salgado, lying on the ground and officers rushed in on top of him.	Declaration of Osmar Antonio Castillo Blandon, Ex. 14, para. 8	<p>Objection:</p> <p>1) Lacks Foundation and Lack of Authentication FRE 901;</p> <p>2) Inadmissible Hearsay- FRE 801, 802;</p> <p>3) Lack of Relevance-FRE 401-403;</p> <p>4) Improper Opinion- FRE 701-702</p> <p>Without waiver of the foregoing objections, Defendants respond as follows:</p> <p>Undisputed that this is Plaintiff's testimony, but this is irrelevant material and outside of the scope of Defendants' Motion as</p>

		to the issue of NIED. Therefore, this should be excluded.
37. The officers told them to go to their apartment, and this was not fair. Then Osmar Antonio Castillo Blandon was right behind his dad, and he was leaning on him and his stepmom fell on the floor and he went to pick his stepmom up, and then he saw his brother, William Salgado, on the gurney	Declaration of Osmar Antonio Castillo Blandon, Ex. 14, para. 9	Objection: 1) Lacks Foundation and Lack of Authentication FRE 901; 2) Inadmissible Hearsay- FRE 801, 802; 3) Lack of Relevance-FRE 401-403; 4) Improper Opinion- FRE 701-702 Without waiver of the foregoing objections, Defendants respond as follows: Undisputed that this is Plaintiff's testimony, but this is irrelevant material and outside of the scope of

		Defendants' Motion as to the issue of NIED. Therefore, this should be excluded.
38. Osmar Antonio Castillo Blandon looked over at his dad, and he was trembling, and he was also in shock. They were so desperate and so upset about how everything happened. He was in shock that this happened, and it was hard for him to understand that his brother was dead although he knew it was true because he saw his brother hit by the shots, he	Declaration of Osmar Antonio Castillo Blandon, Ex. 14, para. 10	<p>Objection:</p> <p>1) Lacks Foundation and Lack of Authentication FRE 901;</p> <p>2) Inadmissible Hearsay- FRE 801, 802;</p> <p>3) Lack of Relevance-FRE 401-403;</p> <p>4) Improper Opinion- FRE 701-702</p> <p>Without waiver of the foregoing objections, Defendants respond as follows:</p> <p>Undisputed that this is Plaintiff's testimony, but this is irrelevant material and outside of</p>

1	heard the shots,		the scope of
2	and he saw his		Defendants' Motion as
3	brother lying on		to the issue of NIED.
4	the ground.		Therefore, this should
5			be excluded.
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7	39.Osmar Antonio	Declaration of Osmar	Objection:
8	Castillo Blandon	Antonio Castillo	1) Lacks
9	saw his brother,	Blandon, Ex. 14, para.	Foundation and
10	William Salgado	11	Lack of
11	was killed, and		Authentication
12	even though it		FRE 901;
13	has been a couple		2) Inadmissible
14	of years it is like		Hearsay- FRE
15	it just happened.		801, 802;
16	He remember his		3) Lack of
17	brother while he		Relevance-FRE
18	is in the living		401-403;
19	room, looking at		4) Improper
20	William's		Opinion- FRE
21	picture. He try to		701-702
22	grieve William,		Without waiver of the
23	but he is alone		foregoing objections,
24	now. No more		Defendants respond as
25	William blasting		follows:
26	his music here at		Undisputed that this is
27	home, no more		Plaintiff's testimony,
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talking about
their lives
together or their
plans. Even to
this day, he get so
upset and nervous
about what
happened. It is
so hard to lose a
brother and to
watch him get
killed in such a
terrible way. The
feelings of
anxiety, stress,
and fear that he
feels because of
having seen his
brother get shot
right in front of
him are far
beyond any kind
of stress he has
ever felt in his
life. These
feelings are still
with him, even

but this is irrelevant
material and outside of
the scope of
Defendants' Motion as
to the issue of NIED.
Therefore, this should
be excluded.

1	now.		
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3	40. The birth	Birth Certificate of	Objection:
4	certificate issued	Decedent William	1) Prejudicial FRE
5	for the decedent	Salgado at Ex. 15 of	403-Defendants
6	William Salgado	the Declaration of Kent	object to this
7	lists Plaintiff	M. Henderson date	evidence on the
8	William Castillo	March 17, 2025.	ground that it
9	Miranda as the		was not
10	biological/natural		produced in
11	father of decedent		discovery and
12	William Salgado.		the admission of
13			such evidence
14			would be
15			prejudicial to
16			Defendants.
17			2) Lack of Personal
18			Knowledge FRE
19			601-606;
20			3) Lacks
21			Foundation and
22			Lack of
23			Authentication
24			FRE 901;
25			4) Improper
26			Hearsay- FRE
27			801, 802
28			

Undisputed that
William Castillo is
the biological father
of Decedent.

Dated: March 18, 2025

ALVAREZ-GLASMAN & COLVIN
ARNOLD M. ALVAREZ-GLASMAN
CITY ATTORNEY

/s/ Christy M. Garcia, Esquire

Christy M. Garcia

Attorneys for Defendants

City of Huntington Park, Nick Nichols,
Rene Reza, Matthew Rincon, April Wheeler, Saul
Rodriguez, and Jose A. Yamasaki

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the Central District of California – by using the CM/ECF system on March 18, 2025

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Executed on March 18, 2025, at City of Industry, California.

/s/ Melinda Arredondo

Melinda Arredondo